

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

And Order Concerning Summary Judgment issued on November 16, 2020 [Dkt. No. 38], and in accordance with Fed. R. Civ. P. 16(b) and 26(f). The Discovery Plan is submitted by Plaintiff and Defendants, 2 River Terrace Apartment 12J, LLC, Clodagh and Elliott Greene and Elena Sartison. All parties have appeared in the adversary as represented by counsel.

1. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) have been completed by all parties.

2. The parties have met and conferred regarding the discovery to be conducted and documents maintained in electronic format. Plaintiff has identified the issue of the Debtors' servers, some of which have been coded into a searchable format while others which would require additional time and expenditures. The parties have agreed to retain all evidence stored in electronic format and will cooperate to facilitate the exchange of relevant documents.

3. All fact discovery shall be completed no later than April 20, 2021.

4. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure ("Civil Rules"), Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules") and the Local Rules of the Bankruptcy Court for the Eastern District of New York ("Local Bankruptcy Rules"). The parties anticipate discovery on the subject transfers, product and services rendered, and the surrounding business dealings.

5. Expert discovery

a. All expert discovery shall be completed no later than June 20, 2021.

b. No later than April 30, 2021: (i) the party bearing the burden of proof on any issue shall make all disclosures required under Fed. R. Civ. P. 26 (a)(2); and (ii) all rebuttal

or responsive expert reports and other disclosures required under Fed. R. Civ. P. 26 (a)(2) shall be made no later than thirty (30) days thereafter.

6. Mediation

If the parties desire and agree to mediate their dispute(s) at any time during the pendency of this adversary proceeding, they shall jointly file a stipulation (the “Stipulation”) with the Court

7. Motions

a. All motions and applications shall be governed by the Civil Rules, Bankruptcy Rules and Local Bankruptcy Rules, including pre-motion conference requirements. Pursuant to the authority provided by Fed. R. Civ. P. 16(b)(2), a motion for summary judgment will be deemed untimely unless a request for a pre-motion conference relating thereto (*see* Local Bankruptcy Rule 7056-1) is made in writing within fourteen (14) days after the close of fact discovery (*see* paragraph 3 hereof).

8. Trial

a. Trial in this matter is scheduled for \_\_\_\_\_, 2021. The proposed Joint Pretrial Order shall be prepared and submitted on or before \_\_\_\_\_, 2021. Plaintiff’s trial estimate is two days excluding motions in limine. Defendant’s trial estimate is two days.

9. This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend any deadline established by this Order shall be made in a written application no less than five (5) days prior to the expiration of the date sought to be extended.

Dated: January 8, 2021

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**SO ORDERED:**